

CLAIM AMENDMENTS

245. (currently amended) A nucleic construct ~~which when introduced into a cell codes for and expresses a non-native polymerase, said polymerase being capable of producing more than one copy of a nucleic acid sequence from said construct~~ which comprises a nucleic acid sequence which encodes a non-eukaryotic polymerase and contains a non-native intron, wherein said polymerase is expressed solely in a eukaryotic cell and said polymerase is capable of producing more than one copy of a nucleic acid sequence from said construct when introduced into a eukaryotic cell.

246. (currently amended) The construct of claim 245, further comprising a recognition site for said ~~non-native polymerase~~.

247. (currently amended) The construct of claim 246, wherein said recognition site is complementary to a primer for said ~~non-native polymerase~~.

248. (previously added) The construct of claim 247, wherein said primer comprises transfer RNA (tRNA).

249. (currently amended) The construct of claim 245, wherein said ~~non-native~~non-eukaryotic polymerase ~~comprises a member is~~ selected from the group consisting of RNA polymerase, DNA polymerase, reverse transcriptase, and a combination thereof.

250. (previously added) The construct of claim 249, wherein said RNA polymerase comprises a bacteriophage RNA polymerase.

251. (previously added) The construct of claim 250, wherein said bacteriophage RNA polymerase is selected from the group consisting of T3, T7 and SP6, and a combination thereof.

252. (previously added) The construct of claim ~~249, further comprising a promoter for said RNA polymerase~~246, wherein said recognition site is a promoter for said RNA polymerase.

253. (previously added) The construct of claim 245, wherein said nucleic acid produced from said construct is selected from the group consisting of DNA, RNA, a DNA-RNA hybrid and a DNA-RNA chimera, or a combination of the foregoing.

254. (previously added) The construct of claim 253, wherein said DNA or RNA comprises sense or antisense, or both.

255. (currently amended) A nucleic acid construct which when introduced into a non-eukaryotic cell produces a nucleic acid product comprising a non-native processing element intron, which when in a ~~compatible eukaryotic cell~~, said processing element intron is substantially removed during processing and wherein said nucleic acid product or protein expressed from a nucleic acid product would be toxic to a non-eukaryotic cell in the absence of said non-native intron.

Claims 256 and 257 are cancelled.

258. (previously added) The construct of claim 255, wherein said nucleic acid product is single stranded.

259. (previously added) The construct of claim 255, wherein said nucleic acid product is selected from the group consisting of antisense RNA, antisense DNA, sense RNA,

sense DNA, a ribozyme and a protein binding nucleic acid sequence, or a combination of the foregoing.

260. (previously added) The construct of claim 259, wherein said protein binding nucleic acid sequence comprises a decoy that binds a protein required for viral assembly or viral replication.

261. (new) A nucleic acid construct which when introduced into a non-eukaryotic cell produces a nucleic acid product comprising a non-native intron, wherein said product would be toxic to a non-eukaryotic cell in the absence of said non-native intron and wherein said intron is substantially removed during processing and said intron is in a coding sequence of said nucleic acid product.